

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

HENRY IVERS,

Plaintiff,

v.

NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATION,

Defendant.

Civil Action No. 21-11026-WGY

**DEFENDANT'S MOTION TO DISMISS**

Defendant NASA, by and through its undersigned counsel, respectfully moves this Court, for the reasons further described in the accompanying memorandum of law, to dismiss Plaintiff's complaint under Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction or, in the alternative, under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim.

WHEREFORE, Defendant respectfully requests that the Court allow this motion and dismiss the complaint for lack of subject matter jurisdiction or, in the alternative, for failure to state a claim.

Respectfully submitted,

NATHANIEL R. MENDELL  
Acting United States Attorney

Dated: August 20, 2021

By: /s/ Michael L. Fitzgerald  
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**LOCAL RULE 7.1 CERTIFICATION**

I hereby certify that I conferred with Plaintiff, who does not assent to the relief sought in this motion.

/s/ Michael L. Fitzgerald  
MICHAEL L. FITZGERALD  
Assistant U.S. Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Michael L. Fitzgerald  
MICHAEL L. FITZGERALD  
Assistant U.S. Attorney

Dated: August 20, 2021